

Mining Law Requirements on Federal Lands

Locating and Recording a Mining Claim/Site

Location Notices/Certificates must be filed with the BLM Eastern States Office, 7450 Boston Blvd., Springfield, VA 22153, within 90 days from the date of location. You must also record the location notices/certificates with the County Recorder within 90 days from the date of location. Location Notices/Certificates must include meridian, township, range, section, and quarter section in which the claim is located, location date, type of location, claim name, and claimant(s) name and address. Also, submit a map showing the boundary of the claim within a section.

On June 29, 2009, the fees for the location fee and the maintenance fee were increased, to \$34 for the location fee and \$140 for the maintenance fee. The location fee increase will apply to claims located on or after September 1, 2009. The maintenance fee increase starts with maintenance for the 2010 assessment year.

For claims located on or after September 1, 2009, a \$189 per claim/site fee is required at the time of recordation with BLM. This fee covers the \$15 processing fee, \$34 location fee, and \$140 maintenance fee for the assessment year in which the claim/site is located (2010).

If you fail to file the location notice/certificate within the 90-day filing period, the location will be declared forfeit and void by operation of law.

Location Date: Date discovery monument is erected and location notice is posted on the ground.

Assessment Year: Begins at 12:00 noon September 1 through 12:01 a.m. September 1.

See regulations (43 CFR 3838) for locating claims on private land patented under the Stock Raising Homestead Act, or if disposal of the minerals is authorized under this Act. A Notice of Intent to Locate must be filed prior to locating a claim. BLM service charge is \$30.

MAINTAINING CLAIMS AND SITES

A \$140 Maintenance Fee or a Maintenance Fee Waiver Certification must be filed annually on or before September 1 and is filed in advance for the upcoming assessment year. (See 43 CFR 3834.) If you filed your Maintenance Fee for the 2010 assessment year before June 29, 2009, you are required to submit the additional \$15 per claim/site due for the 2010 Maintenance Fee. You should receive a letter from BLM requesting the additional Maintenance Fee, or you may submit the additional fee prior to such

notification, and reference the claim/site names and BLM serial numbers for which the additional fees are being paid.

Claimants Who File the Maintenance Fees Must: Include a document listing the claim/site names and BLM serial numbers for which the fees are being paid. The maintenance fee is in lieu of performance of assessment work.

Claimants Who File the Maintenance Fee Waiver Certification (Small Miner Exemption – Form 3830-2) Must:

1. Complete the assessment work for the current assessment year prior to September 1.
2. Hold no more than 10 claims or have an interest in no more than 10 claims in the U.S. on September 1.
3. File a relinquishment or transfer ownership on or before September 1, for those claims that are over the 10-claim limit.
4. Include the name, address, and original signature of all owners on the waiver.
5. List claim names and serial numbers that you wish to maintain on the waiver.
6. File a Proof of Labor/Affidavit of Assessment Work with the BLM Eastern States Office on or before December 30. BLM processing fee is \$10 per claim/site. (See 43 CFR 3835)

NOTE: No charge to file a Small Miner Exemption.

Proof of Labor/Affidavit of Assessment Work, Notice of Intent to Hold –

1. Complete the assessment work for the current assessment year prior to September 1.
2. List claim names and serial numbers on the Proof of Labor/Affidavit of Assessment Work, or Notice of Intent to Hold.
3. File a Proof of Labor/Affidavit of Assessment Work or Notice of Intent to Hold with the BLM State Office on or before December 30. BLM processing fee is \$10 per claim/site.
4. File a Proof of Labor/Affidavit of Assessment Work or Notice of Intent to Hold with the County Recorder on or before November 1.
5. Some states require that the affidavit must be signed in the presence of a notary public. (See 43 CFR 3835.30)

Recording a Change of Address, Amended Notice, Transfer of Interest, and Relinquishment

Change of Address -- List claim names and BLM serial numbers. Note address change on annual filing. No charge to file a change of address.

Amended Notice -- If a correction is required on the original location notice, an amended notice should be filed with the BLM and the County Recorder. BLM processing fee is \$10 per claim/site. There is no charge to file an amended map.
(See 43 CFR 3833.20).

Transfer of Interest (Notarized) -- If there is a change of name/ownership, the transfer document must include the name and address of the Transferor and Transferee. The transfer document must also include the claim names and BLM serial numbers and should be filed with BLM and the County Recorder. BLM processing fee is \$10 per claim/site **per transferee** (person receiving the interest in the claim/site). A notarized copy of the transfer is a state requirement.
(See 43 CFR 3833.30)

Abandonment/Relinquishment of claims -- List claim names and BLM serial numbers. No BLM processing fee.

FILING REQUIREMENTS ARE SUBJECT TO CHANGE

As an owner of mining claims, YOU ARE RESPONSIBLE for keeping yourself informed of the changes in the filing requirements and the mining laws. Congress may pass legislation affecting filing requirements; consequently, the procedure may change. It is suggested that you contact our office periodically to stay up to date. You may write us at BLM Eastern States Office, 7450 Boston Blvd., Springfield, VA 22153 or call the Information Access Center at (703) 440-1600.